IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 391 OF 2006
IN
NOTICE OF MOTION NO. 1110 OF 2006
IN
SUIT NO. 1001 OF 2006

Mr.Deepak Shivdasani. ... Appellant.
Versus.
Indian Motion Picture
Distributors Association & others. ... Respondents.

Shri S.K.Chausaria i/by Shri A.M.Saraogi for the Appellant.

Shri A.Dasgupta i/by Shri J.Narula Associates for the Respondent No.1.

CORAM : KSHITIJ R.VYAS, C.J., &
ABHAY S.OKA, J.

DATE : 10th July, 2006.

P.C.:

1. This Appeal is directed against the order dated 26th April 2006 passed in Notice of Motion No.1110 of 2006. By the said order the learned Single Judge refused to grant ad-interim relief on the ground that the Appellant/Plaintiff refused to give bank guarantee for the amount on the basis of which the relief as claimed could have been given. The Notice of Motion is still pending before the learned Single Judge for final disposal.

2. In the present Appeal, the learned Vacation Judge granted ad-interim relidf in terms of prayer clause (a) of the Motion taken out by the Appellant in

the Appeal, subject to furnishing bank guarantee for the sum of Rs.8 lakhs within a period of two weeks from the date of the said order. It is not in dispute that the Appellant has now furnished Bank Guarantee.

3. In view of this, we dispose of the Appeal and the Motion by the following order:

i) The ad-interim relief granted in favour of the Appellant shall continue till disposal of the Notice of Motion No.1110 of 2006 pending before the learned Single Judge.

ii) The Appellant shall ensure that the bank guarantee is kept valid till disposal of the Notice of Motion.

iii) The learned Single Judge shall expedite hearing of the Notice of Motion.

iv) The Appeal as well as Notice of Motion taken out in this Appeal are dispose of in the above terms with no order as to costs.

CHIEF JUSTICE

ABHAY S.OKA, J.